| PRE-APPEAL BRIEF REQUEST FOR REVIEW | Docket Number (Optional) |
| | 27592-01110-US1 |

	Application Number	Filed
	10/542,963-Conf. #2056	September 7, 2005
	First Named Inventor	
	Daniel Lecomte et al.	
	Art Unit	Examiner
	2425	J. D. Saint

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number _____43,828_____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

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___March 9, 2009___
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of ___1___ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daniel Lecomte et al.

Application No.: 10/542,963	Confirmation No.: 2056
Filed: September 7, 2005	Art Unit: 2425
For: ADAPTIVE AND PROGRESSIVE SYSTEM AND METHOD FOR THE SECURE DISTRIBUTION OF WAVELET-CODED STILL IMAGES	Examiner: J. D. Saint

REMARKS ACCOMPANYING REQUEST FOR PRE-APPEAL BRIEF REVIEW

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 47-49 and 51-92 in the above identified application. Claims 47-49 and 51-92 were finally rejected in the Office Action dated November 14, 2008. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review. A Notice of Appeal is filed timely concurrently herewith. This Pre-Appeal Brief Request for Review is being timely filed. As will be discussed below, numerous clear errors exist in the final rejections that require withdrawal thereof.

Claims 47-50, 55-58, 60-62 and 79-92 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shin et al. (hereinafter "Shin") in view of WO 1998/42098 to LeBourgeois (hereinafter "LeBourgeois"). As outlined below, the Shin and LeBourgeois fail to disclose or suggest the combination of elements of claims 47-50, 55-58, 60-62 and 79-92. The failure of the Shin and LeBourgeois to disclose each and every element of the present claims constitutes clear error.

Independent claim 47, in part, recites "constructing a reconstructed stream from the modified stream with a decoder in addressee equipment." (underlining added) Shin does not teach or suggest these features. In particular, Shin does not teach or suggest that the modified information is transferred to addressee equipment. Instead, in Shin, both the encoding and

decoding are preformed in the same system. Specifically, Col. 5, line 1 of Shin discloses that the apparatus shown is figure 2 is a digital image codec apparatus which includes both an encoding unit and a decoding unit. In Shin, the modified stream is not sent from one equipment to another, where reconstruction is performed.

The Advisory Action alleged that Shin shows that the encoding unit and the decoding unit are separate. Applicants note that even if the encoding and decoding units of Shin are separate, Shin still does not teach or suggest that the decoding unit is in addressee equipment where the stream is to be reconstructed. Thus, Shin does not teach or suggest "constructing a reconstructed stream from the modified stream with a decoder in addressee equipment," as recited in claim 47.

Although the Office Action noted that Shin does not teach or suggest that "the construction is adaptive and progressive as a function of information coming from a digital profile of an addressee user," the Advisory Action alleged that Col. 4, line 30-48 of Shin discloses this feature.

The cited section of Shin discloses a digital image decoding method including decompressing the received bit stream to obtain a host image and NxN location data, performing discrete wavelet transform on the host image to obtain MxM wavelet coefficients, separating NxN wavelet coefficients corresponding to the NxN location data among the MxM wavelet coefficients, performing inverse discrete wavelet transform on the NxN wavelet coefficients to restore the signature image, storing as the original signature image the signature image and applying the original signature image and the restored signature image to an ANOVA technique to output variance characteristic data of the restored signature image as image quality indication data. There is simply no teaching or suggestion in the cited section, or any other section of Shin, that "the construction is adaptive and progressive as a function of information coming from a digital profile of an addressee user," as recited in claim 47.

Furthermore, LeBourgeois does not cure the deficiencies of Shin. LeBourgeois discloses that when a user purchases a product, after authentication, the product download package

includes the product ID, paid usage parameters, payment confirmation information, a digest of the fully encrypted product, and encrypted product description key, and double-encrypted security fragments. See at least page 28 of LeBourgeois.

There is no teaching or suggestion in LeBourgeois that the user information, such as the paid usage parameters or the payment confirmation information is used to reconstruct the modified stream at the user equipment or the reader system. Instead, in LeBourgeois, the paid usage parameters and the payment confirmation information is used by the license server to authenticate and generate the appropriate download product. Even in the license server in LeBourgeois, the user information is not used to reconstruct the image. In LeBourgeois, the usage parameters are used to determine how much of the product has been paid for and to provide what has been paid for by the customer. In LeBourgeois, there is no reconstruction of the modified stream at the user equipment, the reader system or the license server. So, if one skilled in the art were to combine the teaching of Shin and LeBourgeois, as suggested by the Office Action, the combination would not result in "constructing a reconstructed stream from the modified stream with a decoder in addressee equipment, wherein the construction is adaptive and progressive as a function of information coming from a digital profile of an addressee user," as recited in claim 47. (underlining added)

Therefore, the combination of Shin and LeBourgeois does not teach or suggest the combination of elements recited in claim 47. Each of claims 48-50, 55-58, 60-62 and 79-92 depends on claim 47 and incorporates all of the elements of claim 47, in addition to the further elements recited in claims 48-50, 55-58, 60-62 and 79-92. Hence, each of claims 48-50, 55-58, 60-62 and 79-92 is allowable at least because of its dependence on claim 47. Therefore, Applicants respectfully request that this rejection of claims 47-50, 55-58, 60-62 and 79-92 under 35 U.S.C. §103 is in clear error and should be withdrawn.

Claims 51-54, 59 and 73-78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over LeBourgeois in view of U.S. Patent No. 6,760,481 to Chebil et al. (hereinafter "Chebil"). As outlined below, LeBourgeois and Chebil fail to disclose or suggest the combination of

elements of claims 51-54, 59 and 73-78. The failure of the LeBourgeois and Chebil to disclose each and every element of the present claims constitutes clear error.

Chebil discloses that a discrete wavelet transform is applied to image data and the coefficient are quantized into determined levels Q(W) using a successive approximation quantization method. In Chebil, a memory is used to store the results of a previous quantization step and the outcome of each quantization round is encoded by sending information about the significance of the coefficients with respect to the quantization levels. The sequence of binary symbols representing the significance of the coefficients with respect to the quantization levels is passed to a transfer channel. The signal received from the transfer channel is then decoded, inverse quantized and inverse transformed in the same system. See at least Col 5, lines 18-56 and Figure 2 of Chebil.

Chebil does not cure the deficiencies of Shin and LeBourgeois. In particular, Chebil does not teach or suggest "constructing a reconstructed stream from the modified stream with a decoder in addressee equipment, wherein the construction is adaptive and progressive as a function of information coming from a digital profile of an addressee user," as recited in claim 47, upon which claims 51-54, 59 and 73-78 depend. Similar to Shin, in Chebil, both the encoding and decoding is performed in the same system. Therefore, Applicants respectfully request that this rejection of claims 51-54, 59 and 73-78 under 35 U.S.C. §103 is in clear error and should be withdrawn.

For all of the above noted reasons, it is strongly submitted that certain clear differences exist between the present invention as claimed in claims 47-49 and 51-92 and the prior art relied upon by the Examiner. It is further submitted that these differences are more than sufficient that the present invention would not have been anticipated or obvious to a person having ordinary skill in the art at the time the invention was made. This final rejection being in clear error, therefore, it is respectfully requested that the Examiner's decision be reversed in this case regarding the rejections of claims 47-49 and 51-92. Reconsideration and withdrawal of all prior rejections and a Notice of Allowance are respectfully requested.

Applicants believe no fee is due with this response other than any fee that may be indicated on an accompanying paper. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01110-US1 from which the undersigned is authorized to draw.

Dated: March 9, 2009   Respectfully submitted,

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